## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF TEXAS

## TYLER DIVISION

JAMES EARL WATKINS, #1702234 §

VS. 

§ CIVIL ACTION NO. 6:18cv347

CAROL E. MONROE, JR., ET AL.

## ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff James Earl Watkins, a prisoner currently confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. Before any defendant filed an answer, Mr. Watkins filed a motion for summary judgment on October 29, 2018. (Dkt. #25).

The motion was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that Mr. Watkins' motion for summary judgment (Dkt. #25) should be denied as premature. (Dkt. #41). The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court. It is accordingly

**ORDERED** that the Report and Recommendation (Dkt. #41) is **ADOPTED**. It is further **ORDERED** that Mr. Watkin's motion for summary judgment (Dkt. #25) is **DENIED** as premature.

SIGNED this the 25 day of April, 2019.

Thad Heartfield

United States District Judge